

Case No. 15-cv-250-TUC-DCB

**ORDER GRANTING  
PRELIMINARY APPROVAL  
OF THE PARTIES'  
SETTLEMENT RE:  
ATTORNEYS FEES AND  
COSTS; AND APPROVAL OF  
NOTICE TO THE CLASS  
CLASS ACTION**

**IT IS FURTHER ORDERED** that the Notice of the Settlement Agreement, in the form submitted as Exhibit B to the Parties' Joint Motion, is approved, except it shall be amended to reflect that any objections be mailed to counsel only, who shall be responsible for filing them or a notice of no objections with the Court.

1           **IT IS FURTHER ORDERED** that the Notice of the Settlement Agreement, in the  
2 form submitted and as amended by this Order, shall be posted by Defendants in English  
3 and in Spanish in each of the stations in Tucson Sector Border Patrol and posted digitally  
4 on the website of the ACLU of Arizona, local counsel in this case, on the page dedicated  
5 to this litigation, for fourteen (14) days subsequent to the filing date of this Order.

6           **IT IS FURTHER ORDERED** that the Court may hold a Hearing in the event of  
7 any objections or at its discretion to determine whether the Settlement Agreement is fair  
8 and reasonable and should be approved. The Court may hold the Hearing by virtual or  
9 other means.

10           **IT IS FURTHER ORDERED** that within 14 days after the expiration of time for  
11 objections, the Parties shall jointly file a Notice of objections or no objections,  
12 accompanied by copies of any objections and the Parties' responses. The Court shall  
13 determine an appropriate course of action, including setting a hearing.

14           **IT IS FURTHER ORDERED** that in the event there are no objections, the Parties  
15 shall simultaneously submit, either jointly or individually, proposed Findings of Fact and  
16 Conclusions of Law and a proposed order of final approval.

17           **IT IS FURTHER ORDERED** that pending the Court's final determination of  
18 whether it will approve the Settlement Agreement, all proceedings in this action shall  
19 remain stayed. This includes tolling the deadline for plaintiffs to file an application for the  
20 award of attorney fees and nontaxable expenses under the Equal Access to Justice Act, 28  
21 U.S.C. § 2412.

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1           **IT IS FURTHER ORDERED** that the Court may approve the Settlement  
2 Agreement, with such modifications as may be agreed to by the Parties, if appropriate,  
3 without further notice to Class Members.

4           Dated this 18th day of February, 2022.

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Honorable David C. Bury  
United States District Judge